IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 21206 of 2007(Y)

PETITIONER:

CHOI, S/O. KANARAN, AGED 55,
MUTHUVANACHA HOUSE, KEEZHAL P.O.,
VADAKARA, KOZHIKODE.

BY ADV. SRI.KRISHNADAS P. NAIR
SRI.HARIDAS P.NAIR
SMT.K.L.SREEKALA
SRI.M.RAJESH KUMAR
SRI.M.A.VINOD

RESPONDENTS:

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1. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, VADAKARA,
KOZHIKODE.

2. ASSISTANT ENGINEER,
ELECTRICAL SUB DIVISION, KERALA STATE ELECTRICITY
BOARD, (S)VADAKARA, KOZHIKODE.

3. SECRETARY,
VILLIAPPILLY GRAMA PANCHAYAT, VADAKARA,
KOZHIKODE.

4. LEELA, W/O. KRISHNAN, AGED 50,
MANNOTH THAZHAKUNI HOUSE, KEEZHAL P.O.,
VADAKARA, KOZHIKODE.

5. ADDL. DISTRICT MAGISTRATE,
KOZHIKODE.

R1 AND R2 BY SC SRI. P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 21206 OF 2007

Dated this the 26th day of July, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for KSEB. The sketch produced by Ele. Board shows that the line approved by the Addl. District Magistrate is over a pathway. According to the petitioner, petitioner is the owner of the pathway. However, pathway is obviously used by the public, even if petitioner is the owner of the land. I make it clear that drawal of electric line over the pathway will not affect the petitioner's right over the land. The alternate suggestion by the petitioner is over the property of other land owners which if permitted will cause great inconvenience to such land owners. Therefore petitioner's request for approval of alternate route is unacceptable. However, W.P. is disposed of with direction to the Ele. Board to maintain sufficient clearance for the overhead line from the ground. If petitioner wants underground cable, the same should be provided at petitioner's cost. It is open to the petitioner to supply quality insulated cable and pipes or otherwise deposit cost with the Ele. Board to draw underground cable, if he desires.

(C.N.RAMACHANDRAN NAIR)
Judge